

**LODI CITY COUNCIL
REGULAR MEETING
CARNEGIE FORUM
305 WEST PINE STREET, LODI
WEDNESDAY, FEBRUARY 21, 2024 - 7:00 P.M.**

A. Call to Order / Roll Call

The Regular City Council meeting of February 21, 2024, was called to order by Mayor Craig at 7:00 p.m.

Present: Council Member Hothi, Mayor Pro Tempore Bregman, and Mayor Craig

Absent: Council Member Nakanishi and Council Member Yepez

Also Present: Interim City Manager Keys, City Attorney Lucchesi, and City Clerk Nashed

NOTE: Council Member Nakanishi and Council Member Yepez arrived at 7:02 p.m.

B. Presentations

B.1 Helping One Woman Certificate of Recognition (CLK)

Mayor Craig presented a Certificate of Recognition to Amy Agno, of Helping One Woman in Lodi, in appreciation of the organization's assistance to Lodi women who have experienced a devastating loss, illness, or life-altering experience.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

A motion was made by Mayor Pro Tempore Bregman, seconded by Council Member Nakanishi, to approve the following items hereinafter set forth, except those otherwise noted, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yepez,
Mayor Pro Tempore Bregman, and Mayor Craig

Noes: None

Absent: None

C.1 Receive Register of Claims for January 19, 2024 through February 1, 2024 in the Total Amount of \$5,938,861.66 (FIN)

Claims were approved in the amount of \$5,938,861.66.

C.2 First and Second Quarters Fiscal Year 2023/24 Water, Wastewater and Electric Utility Department Financial Reports (EU & PW)

Received the First and Second Quarters Fiscal Year 2023/24 Water, Wastewater and Electric Utility Department Financial Reports.

- C.3** Adopt a Resolution Authorizing the Interim City Manager to Reject all Bids Received for the Rebid for the Main Street Transitional and Supportive Housing Project, Authorize Re-Advertisement for Bids and Authorize the Interim City Manager to Award Contract to Lowest Responsive Bidder and Execute Agreement in an Amount Not to Exceed (\$870,000), and Execute Change Orders (\$70,000) (CD)

This item was pulled at the request of Council Member Yepez.

In response to Council Member Yepez, Interim City Manager Keys clarified the reasons for the rejection of bids and the need to rebid the project.

In response to Mayor Craig, Community Development Director John Della Monica explained the adjustment in the dollar amount of the project.

This item was included in the vote on the Consent Calendar.

Adopted Resolution No. 2024-21 authorizing the Interim City Manager to reject all bids received for the rebid for the Main Street Transitional and Supportive Housing Project, authorizing the re-advertisement for bids and authorizing the Interim City Manager to award the contract to the lowest responsive bidder and execute the agreement in an amount not to exceed \$870,000, and execute change orders in an amount not to exceed \$70,000.

- C.4** Adopt a Resolution Ratifying the Interim City Manager's Approval of Three Patrol Vehicle Replacements from Winner Chevrolet Elk Grove Auto Group of Elk Grove, CA, and Emergency Equipment and Installation from Derotic Emergency Equipment of El Dorado Hills, CA, and Appropriate Funds (\$13,048.47) (PD)

Adopted Resolution No. 2024-22 ratifying the Interim City Manager's approval of three patrol vehicle replacements from Winner Chevrolet Elk Grove Auto Group, of Elk Grove, and emergency equipment and installation from Derotic Emergency Equipment, of El Dorado Hills, and appropriating funds in the amount of \$13,048.47.

- C.5** Accept Improvements Under Contract for Lodi Gun Range Ventilation Improvement Project (PW)

Accepted the improvements under the contract for the Lodi Gun Range Ventilation Improvement Project.

- C.6** Accept Improvements Under Contract for 2023 Pavement Resurfacing Project (PW)

Accepted the improvements under the contract for the 2023 Pavement Resurfacing Project.

- C.7** Accept Improvements Under Contract for Fire Station 3 and Fire Station 4 Security Gates and Generator Project (PW)

This item was pulled at the request of staff.

- C.8** Appoint Michael Donaldson to the Site Plan and Architectural Review Committee and John Stroh to the San Joaquin County Mosquito & Vector Control District (CLK)

This item was pulled to allow the Oath of Office to be administered to the appointees.

A motion was made by Council Member Craig, seconded by Council Member Nakanishi, to direct the City Clerk to make the following appointments.

APPOINTMENTS:

Site Plan and Architectural Review Committee

Michael Donaldson – Term to expire January 1, 2028

San Joaquin County Mosquito and Vector Control District

John Stroh - Term to expire July 1, 2026

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yepez, Mayor Pro Tempore Bregman, and Mayor Craig

Noes: None

Absent: None

City Clerk Nashed administered the Oath of Office to Michael Donaldson, appointee to the Site Plan and Architectural Review Committee.

- C.9** Set Public Hearing for March 20, 2024, to Consider Adopting a Resolution Pre-Approving Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set a public hearing for March 20, 2024, to consider adopting a resolution pre-approving Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

D. Comments by the Public on Non-Agenda Items

Vanessa Barberis, of Waste Management, spoke regarding upcoming events.

Lyndsy Davis, a member of the public, spoke regarding traffic issues on Central Avenue.

Major Mark Thielenhaus, of the Salvation Army, introduced Captain Raymond Morris, who will be providing additional support in Lodi, particularly with the Hope Harbor Shelter.

Pat Byron, a member of the public, provided supplemental documentation and spoke regarding the skate park project.

Robby Van Arsdale, a teacher at Lodi Academy, expressed appreciation for the solar panels on the bus shelters and spoke regarding traffic issues on Central Avenue.

E. Comments by the City Council Members on Non-Agenda Items

Mayor Craig spoke regarding her attendance at the joint meeting of the San Joaquin Regional Rail Commission and the San Joaquin Joint Powers Authority and the Susan B. Anthony Awards celebration where three Lodi women were acknowledged.

F. Comments by the City Manager on Non-Agenda Items

Interim City Manager Keys acknowledged Business Development Manager Astrida Trupovnieks' work with the SizeUp contract which will benefit small businesses in Lodi; announced that Economic Development Ad Hoc Committee applications are now open; stated the City has met the \$25 million goal for local investments through the money market certificates at F&M Bank; and spoke regarding planning for public EV charging, the arrival of the Electric Utility Department's spare substation transformer, Zupo Field update, Municipal Code violations, and the Hutchins Street Square Foundation's recent donation for interior renovations; and congratulated the City's newest Journeyman Lineman, Devon Henlon.

G. Public Hearings

G.1 Conduct a Public Hearing to Consider Waiving of the First Reading and Introducing An Ordinance Repealing Lodi Municipal Code Title 3 (Revenue and Finance), Chapter 3.01 (Business Tax Certification) and Replacing it with Chapter 3.01 (Business License Registration) (FIN)

Interim City Manager Keys provided a brief introduction to the item. Accounting Manager Melissa Munoz provided a PowerPoint presentation regarding the introduction of an ordinance repealing Lodi Municipal Code Title 3 (Revenue and Finance), Chapter 3.01 (Business Tax Certification) and replacing it with Chapter 3.01 (Business License Registration). Specific topics of discussion included changes to the ordinance, Business License Registration Program, registration information collected, new program details, the need for the program, and recommended action.

In response to Council Member Nakanishi, Interim City Manager Keys and Accounting Manager Munoz clarified details regarding the new program.

In response to Mayor Craig, Accounting Manager Munoz confirmed the notification process for renewal.

Mayor Craig opened the Public Hearing at 7:56 p.m.

JP Doucette, President of the Lodi Chamber of Commerce, inquired as to the possibility of bringing the business tax back through a ballot measure.

In response to Scott Hamilton, a member of the public, Accounting Manager Munoz confirmed that short-term rentals will need to register for a business license.

In response to Mayor Craig, City Attorney Lucchesi clarified the rules for multiple rental locations.

There being no further public comments, Mayor Craig closed the public hearing at 7:59 p.m.

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, to waive the first reading and introduce Ordinance No. 2023 repealing Lodi Municipal Code Title 3 (Revenue and Finance), Chapter 3.01 (Business Tax Certification) and replacing it with Chapter 3.01 (Business License Registration).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yopez,
Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: None

H. Regular Calendar

H.1 Adopt a Resolution Approving Amendments to the Job Description and Salary Range for the Job Classification of Traffic and Sign Making Worker (HR)

Human Resources Manager Adele Post provided a presentation regarding amendments to the job description and salary range for the job classification of Traffic and Sign Making Worker. Specific topics of discussion included background, change of job duties, additional job skills, lead worker duties, salary increase, and retroactivity to February 2023.

A motion was made by Council Member Hothi, seconded by Mayor Pro Tempore Bregman, to adopt Resolution No. 2024-23 approving amendments to the job description and salary range for the job classification of Traffic and Sign Making Worker.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yopez,
Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: None

H.2 Receive a Presentation on Access Center Project Timeline Updates (CD)

Community Development Director John Della Monica provided background information. Neighborhood Services Manager Jennifer Rhyne provided a PowerPoint presentation on the Access Center Project timeline updates. Specific topics of discussion included project overview, projected project timeline, projected operator timeline, and Temporary Access Center update.

In response to Council Member Nakanishi, Neighborhood Services Manager Rhyne, Community Development Director Della Monica, and Interim City Manager Keys spoke regarding ongoing efforts to secure future funding.

In response to Council Member Yopez, Neighborhood Services Manager Rhyne clarified the number of individuals who have received assistance at the Temporary Access Center.

In response to Mayor Craig, Neighborhood Services Manager Rhyne stated information regarding individuals transitioning to Hope Harbor will be provided to Council and Community Development Director Della Monica clarified procedures for transitioning individuals between programs.

Discussion ensued with Mayor Craig, Neighborhood Services Manager Rhyne, and Mayor Pro Tempore Bregman regarding potential funding through Proposition 1.

In response to Major Mark Thielenhaus, of the Salvation Army, Community Development Director Della Monica clarified dates concerning the operational contract.

This was an information item and no action was required by City Council.

H.3 Adopt a Resolution Approving Transient Occupancy Tax Guideline Documentation and Approving the Final Audit Findings for January 1, 2019 to September 30, 2022 Period (FIN)

Accounting Manager Melissa Munoz provided a PowerPoint presentation regarding the Transient Occupancy Tax (TOT) Guidelines and audit findings. Specific topics of discussion included goals, January 30 Council direction, TOT Guidelines, summary of City-accepted findings, audit findings, and recommended action.

In response to Mayor Craig, City Attorney Lucchesi and Interim City Manager Keys provided clarification of the "paid under protest" notation and audit discrepancies.

In response to Mayor Pro Tempore Bregman, Interim City Manager Keys and Accounting Manager Munoz provided information regarding the timeline for payment of taxes and fines.

In response to Council Member Yopez, Interim City Manager Keys provided information regarding potential payment plans.

Nancy Beckman, CEO of Visit Lodi! Conference and Visitors Bureau, spoke regarding the need for a credit on the payment on the audit findings, questioned why some charges were exempted but not others, and asked for the new guidelines to take effect in the second quarter of this year.

In response to Mayor Craig, Ms. Beckman confirmed that the majority of the hoteliers and other property owners she has spoken with agree that the new guidelines address the concerns they have had.

Russ Munson, of Wine and Roses, spoke regarding the need to start fresh with the collection of TOT, as the funds that were paid due to the audit were not funds collected from guests, due to the confusion over what was taxable.

In response to Mayor Craig, Mr. Munson agreed the new guidelines address his concerns.

Mayor Craig spoke in favor of a credit for the payments made on the audit findings.

In response to Council Member Hothi, Accounting Manager Munoz and Interim City Manager Keys clarified the total amount of the credit and waived fees and penalties and the time frame which the audit covered.

A motion was made by Council Member Hothi, seconded by Council Member Yopez, to adopt Resolution No. 2024-24 approving the Transient Occupancy Tax guideline documentation and approving the final audit findings for January 1, 2019 to September 30, 2022 period, as revised to waive the final audit findings and direct staff to credit all Transient Occupancy Tax audit payments and issue credits to such Transient Occupancy Tax taxpayers where appropriate.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yopez,
Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: None

H.4 Adopt a Resolution Approving 2023/24 Mid-Year Budget Adjustments; Approving Classifications, Job Descriptions and Salary Ranges for New Health and Safety Specialist, Assistant Electric Utility Director, Electric Utility Technician, Engineering Operational Technology Supervisor, and Engineering Planning and Design Supervisor Positions; and Approving Update to Job Description for Management Analyst (Confidential) (Budget)

Interim City Manager Keys provided a brief introduction. Accounting Manager Melissa Munoz acknowledged the staff of the Budget Division for their work. Budget Manager Lisa Noffsinger provided a PowerPoint presentation regarding 2023/24 Mid-Year Budget Adjustments. Specific topics of discussion included mid-year review, fund overview - revenue, fund overview - expenditures, personnel requests, major requests by fund, and action requested.

In response to Council Member Nakanishi, Budget Manager Noffsinger clarified the adjustments being made in the General Fund.

In response to Mayor Craig, Electric Utility Director Jeff Berkheimer spoke regarding reduced power supply costs.

Mayor Craig spoke in favor of the Building Inspector positions being filled at the Building Inspector II level.

In response to Mayor Pro Tempore Bregman, Interim City Manager Keys and Accounting Manager Munoz clarified the LCTOP (Low Carbon Transit Operations Program) budget adjustment.

A motion was made by Council Member Nakanishi, seconded by Mayor Pro Tempore Bregman, to adopt Resolution No. 2024-25 approving the 2023/24 Mid-Year Budget Adjustments; approving classifications, job descriptions and salary ranges for the new Health and Safety Specialist, Assistant Electric Utility Director, Electric Utility Technician, Engineering Operational Technology Supervisor, and Engineering Planning and Design Supervisor positions; and approving the update to the job description for Management Analyst (Confidential).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hothi, Council Member Nakanishi, Council Member Yopez,
Mayor Pro Tempore Bregman, and Mayor Craig
Noes: None
Absent: None

H.5 Provide Direction to Staff Regarding Staff Involvement and City Resources Used at Individual Councilmember Sponsored Town Hall Meetings (CM)

Interim City Manager Keys provided a presentation regarding staff involvement and City resources used at individual Council Member sponsored Town Hall meetings. Specific topics of discussion included Mayor-sponsored series of Town Hall meetings at LOEL Center and Hutchins

Street Square, requests for staff help and City resources, attendance at meetings, past Council directives, staff concerns, and direction regarding development of a policy.

Mayor Craig spoke regarding the Protocol Manual's coverage of this issue, including Brown Act compliance and City Manager's authority over staff involvement, and her belief that a specific policy is not needed.

Council Member Nakanishi expressed his belief that a policy is not needed.

Mayor Pro Tempore Bregman stated that other Council Members want to have their own outreach meetings and spoke in favor of having a policy in place regarding staff and resources.

Council Member Yepez stated that there is value in Town Hall meetings and that there is already a policy in place in the Protocol Manual.

Council Member Nakanishi spoke in favor of the Mayor organizing the scheduling of Town Hall meetings.

Mayor Craig spoke regarding the City Manager's determination regarding staff availability, ineligibility of upcoming agendas items as Town Hall meeting topics, the Protocol Manual's coverage of this issue, and Council Members' need to be circumspect in regard to staff and resource usage.

In response to Mayor Pro Tempore Bregman, Interim City Manager Keys clarified the policy for use of City facilities.

Mayor Pro Tempore Bregman and Mayor Craig suggested the Protocol Manual be updated to include the use of City facilities.

In response to Council Member Hothi, Interim City Manager Keys spoke regarding past requests for staff involvement in Town Hall meetings.

City Clerk Nashed spoke regarding current Protocol Manual updates.

City Attorney Lucchesi clarified that Council direction is that no formal action is requested by Council, Council will remain consistent with current City procedures, requests for staff will be by advance notice, and staff use would be at the City Manager's discretion.

I. Ordinances - None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:18 p.m.

ATTEST:

Olivia Nashed
City Clerk